

# The Communist Trial Day by Day

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CHICAGO, July 26.—Seymour Steiman and Socialism were eulogized, along with Samuel Gompers and the A. F. of L. officialdom, for their "conservatism and loyalty during the war," by Marvin L. Barnhart, assistant state's attorney, in opening final arguments in the case for the State.

Barnhart consumed a whole day with his argument. William S. Forrest, for the defense, will follow. He will be followed by Clarence Darrow. Lloyd Heth and Frank Comerford will close for the state.

"At the time when the best blood of America had been called to defend that flag (the Stars and Stripes on the wall) these men condemned conservative Socialism because it tried to prevent revolution!" cried the state's attorney. "Think of it! These men—yellow!—instead of the red they wave—they urge others to start the revolution; they hadn't the courage or the nerve to do it!"

"This Communist Labor movement condemned the old conservative Socialist Party for the stand it took, sticking to parliamentary method. This much can be said for Germer and Steiman, that they stood manfully for the government and for the constitutional method of change."

Barnhart appealed directly to the class prejudice of the jurors.

"When I look into the eyes of you men—you Americans!—you who are members of the berzhwazee! especially when I look into the eyes of you young men—I know this gang of disloyalists never will be able to carry out their program without violence."

At the time, the eyes of the three youngest jurors were closed in sleep.

Barnhart reviewed the entire case, both as to law and fact, preparing the way for argument on special points by his two associates.

CHICAGO, July 27.—William S. Forrest in opening final arguments for the defense this afternoon made the right of workers to go on general strike a major issue in the case.

"In my opinion," he told the jury, "this is the biggest case ever tried in United States, because the issues are big. For instance, there is the question of the general strike in relation to the government. You gentlemen will have to pass on that for the first time in the history of criminal jurisdiction."

Civil liberty he made another primary issue.

"I'd rather defend real Americanism by defending Lloyd and those other men in this case than be president of the United States," he declared. "I'm against Socialism. Rather than approve the doctrines of these defendants I'd have my tongue cleave to the roof of

my mouth. But I believe they had the right to say anything they wanted to say. For our country is founded on the principle of discussion.

"Unrest is everywhere, in Italy, France, Britain, Germany, Bolsheviki. It's cause is injustice—real or imaginary. What is the remedy? It is discussion—and justice, justice for the workers. You can drive men from the soapbox and platform to the cellar and the garret, but can't stop them from thinking, talking, complaining. You can't deport an idea."

He smashed at the Illinois statute under which the defendants are being tried with a broadside of technicalities. He declared the case instituted as a result of a raid instigated by the "Dictatorship of the Plutocracy."

Forrest's argument today had to do with the construction of the statute. In previous arguments the state had admitted that it had not proved acts of violence or force against the defendants. It therefore rested its case upon the clause "or other unlawful means" and held that the general strike was such, advocated by the Communist Labor Party as a means of overthrowing the government.

Forrest contended against this that this clause is surplusage. He held that, at best, this means any method forbidden by definite law instead, as the state assumed, any method unauthorized by specific statute. He argued that a conspiracy is an agreement to accomplish an illegal act by illegal method or to perform an illegal act with a legal purpose. But, he said, it is not conspiracy to commit a legal act for an illegal end. Thus, a strike is legal and it remains so even though its object be the overthrow of the government. Upon this line of contention the defense rests much of its confidence for acquittal or at least a "hung" jury.

Mr. Forrest began his argument at about noon today after Assistant State's Attorney Marvin E. Barnhart had argued a day and a half for the state.

CHICAGO, July 28.—William S. Forrest, for the defense for six hours today performed an operation on the platform and program of the Communist Labor Party. When he concluded its viscera had been totally extracted.

After he completed his interpretation of the statute under which the trial is being conducted, he turned his attention to the documents of the C. L. P. Sentence by sentence he read them and then interposed his belief concerning their principles. In many cases his belief was full denunciation of the beliefs of the defendants.

But before he reached that stage of

his argument, he presented dramatic episodes from history in trials similar, he said, to what now in progress. At one point he took from his pocket a New Testament and read from the ninth chapter of Acts another trial for "sedition."

Decisions of the Supreme Court in the Schenck, Steiner and other cases were presented, the contention being that the law demands a clear and present danger before the defendants can be convicted, and that the Communist Labor Party had not the power to cause a general strike or cause other imminent danger to the nation.

CHICAGO, July 29.—Clarence Darrow is pleading in defense of the Communist laborites here.

He launched his argument at 11:30 o'clock this morning. Although a sweltering hot afternoon, while throngs stormed the doors of Judge Hebel's court so that two bailiffs had to push them back, Darrow thundered and pounded the arguments of the state. At times he wept. Again, he leaned far over the railing of the jury to put a point of human liberty intimately to the jurors. And it is significant that the jury, wearied by eleven weeks of evidence and argument, gave its whole attention to the had not been gained by any previous pleader every moment—a thing that advocate in this case.

Human liberty was the cry upon which Darrow based his argument. First he assailed the jesuitism of the state's attorneys. He shamed them for appealing to mob passion in the jury. Then he began a four-hour interpretation of this trial as an incident in the struggle for human liberation. He did not argue class struggle: he pleaded for the right of thought and utterance, for sympathy with the oppressed whenever they voice their determination to change the conditions of their oppressions. In the course of this speech, he cried out for fairness toward Bolshevik Russia and for a return to civil liberty in the United States.

"Counsel accuses my clients, my friends, with believing that the people ought to take the land, and not pay for it," Darrow said. "It's true. But are those the only people who ever preached this doctrine? Why, men of the jury, it has been preached for ages. Moses preached it—but he's dead so you can't prosecute him—lucky for Moses!"

"When my learned associate (Mr. Forrest) argued that communism was a part of Christianity, counsel for state interjected with the paucity of wit that only a prosecutor is capable of. Are these cowards the lineal descen-

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